

A.G. Contract No.: KR04-1517TRN
ECS File No.: JPA 04-075 **Amendment One**
Project No.: S-092-A-506
Section: SR 92 at Jct. Buffalo Soldier
Trail Intersection
TRACS No.: H6696 01C
Program Item Number: 25305
Budget Source Item No.: 73305 District Minor

AMENDMENT ONE
INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
CITY OF SIERRA VISTA

THIS AGREEMENT is entered into this date 3 August, 2005, **Amendment One** to JPA 04-075, AG Contract No. KR04-1517TRN, filed with the Secretary of State under No. 27247, pursuant to Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF SIERRA VISTA acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated the undersigned the authority to execute this Agreement on behalf of the State.

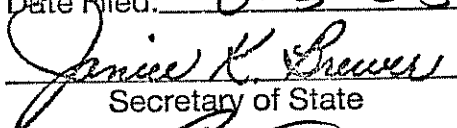
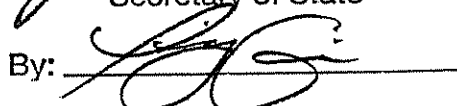
2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

The parties agree to amend the above-referenced Agreement to increase the cost amount from the State by \$150,000.00 (District Minor). The amount of \$150,000.00 will account for the increased costs for reinforcing steel and concrete to do the SR 92 Garden Canyon bridge widening, plus some additional "raised medians" not originally contemplated.

Article I., Paragraph 3 is amended as follows:

3. The State and the City desire to participate in the design, construction and maintenance of the following improvement; a) Dual West bound left-turn and south bound right-turn movement at the intersection of State Route (SR) 92 and Buffalo Soldier Trail; to also include roadway & bridge widening, raised medians, resurfacing, drainage and traffic signal system improvements, at the States expense, estimated at, but not to exceed **\$650,000.00**, hereinafter referred to as the "Project". The State will provide "On-Call" Design Consultants for the project design, including traffic signal system improvements, and upon furnishing the completed plan sheets to the City, the City of Sierra Vista will become the "Lead Agency" to advertise, award, and administer this approximate \$ 1.1 M Project.

THEREFORE, in consideration of the mutual agreements expressed herein, the Agreement is amended as follows:

NO. 27247
Filed with the Secretary of State
Date Filed: 8-3-05

Secretary of State
By: 

II. SCOPE OF WORK

1. The State will:

Article II.1, Paragraph e is amended as follows:

e. Upon execution of this Agreement, receipt and approval of an invoice, remit to the City an amount not to exceed \$650,000.00 for the Project.

2. The City will:

Article II.2, Paragraph g. is amended as follows:

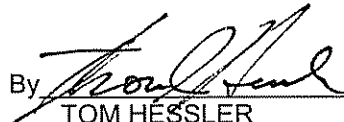
g. Upon execution of this Agreement, invoice the State for an amount not to exceed \$650,000.00 for the Project.

EXCEPT AS AMENDED, herein, ALL OTHER terms and conditions of the original Agreement remain in full force and effect.

CITY OF SIERRA VISTA

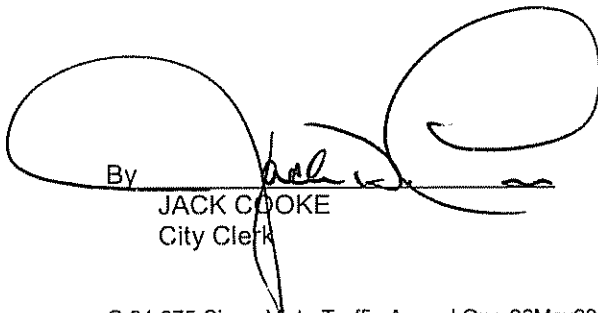
STATE OF ARIZONA

Department of Transportation

By 
TOM HESSLER
Mayor

By 
SAM MAROUFKHANI, P.E.
Acting State Engineer

ATTEST:

By 
JACK COOKE
City Clerk

G:04-075-Sierra Vista-Traffic-Amend One-26May2005-slc

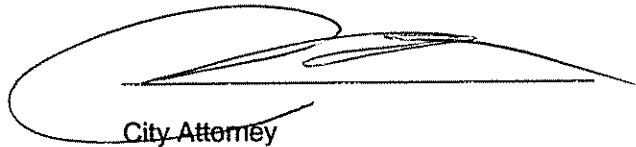
JPA 04-075

Amendment One

APPROVAL OF THE CITY OF SIERRA VISTA

I have reviewed the above referenced intergovernmental Agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF SIERRA VISTA, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the CITY under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 7 day of July, 2005.



City Attorney

RESOLUTION 2004-164

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT INTERSECTION IMPROVEMENTS, INCLUDING A DUAL LEFT TURN, AT STATE ROUTE 92 AND BUFFALO SOLDIER TRAIL; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, it is the settled policy of the City Council to authorize the City staff to seek, make application for, and accept any federal and state funding assistance for improvements to our community that are beyond the funding capability of City revenues, when it is determined to be in the best interest of the City; and

WHEREAS, the City and State share responsibilities of providing streets and public roadways which are safe and meet the transportation needs of the general public; and

WHEREAS, the anticipated future volume of traffic at the intersection of State Route 92 and Buffalo Soldier Trail cannot be safely or expeditiously accommodated by the existing intersection configuration and must be upgraded; and

WHEREAS, it is the mutual interest and benefit for ADOT and the City to improve the intersection of State Route 92 and Buffalo Soldier Trail; and

WHEREAS, both parties desire to enter into an intergovernmental agreement that will allow ADOT to share the costs to construct said improvements to the Intersection of State Route 92 and Buffalo Soldier Trail.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

The policy of the City of Sierra Vista relating to intergovernmental agreements, most recently affirmed by Resolution 2004-142, be, and hereby is, reaffirmed.

SECTION 2

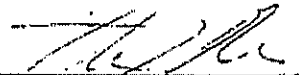
That the City Council approves entering into an intergovernmental agreement with ADOT to construct improvements to the intersection of State Route 92 and Buffalo Soldier

Trail, attached and made a part hereof by this reference.

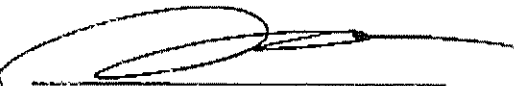
SECTION 3

The City Manager, City Clerk, City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

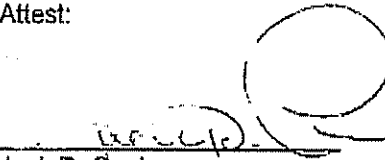
PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA THIS 28th DAY OF OCTOBER 2004.


Thomas J. Hessler
Mayor

Approval as to Form:


Stuart L. Fauver
City Attorney

Attest:


Jack D. Cooke
City Clerk

Prepared by: Michael Hemesath, Director, Department of Public Works



OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TERRY GODDARD
ATTORNEY GENERAL

CIVIL DIVISION
TRANSPORTATION SECTION
WRITER'S DIRECT LINE: 602.542.8855

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR04-1517TRN (**JPA 04-075, Amendment One**), an Agreement between public agencies, i.e., *The State of Arizona* and *City of Sierra Vista*, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: July 27, 2005

TERRY GODDARD
Attorney General

A handwritten signature in cursive script, reading "Susan Davis", with a small "L" above the end of the signature.

Susan E. Davis
Assistant Attorney General
Transportation Section

SED:mjf
Attachment
916199